

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB, INC.,

Plaintiff,

-against-

FLOR DE LUNA CORPORATION d/b/a FLOR
DE LUNA CARNICERIA RESTAURANTE,
LLIYI CEVALLOS, and JOSE J. RENDON,

Defendants.
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DECISION & ORDER

07-CV-3848-ENV-JMA

VITALIANO, D.J.

On September 29, 2008, this Court granted plaintiff's motion for a default judgment against defendants and referred the matter to Magistrate Judge Joan M. Azrack to determine plaintiff's damages. On November 6, 2008, Magistrate Judge Azrack issued a Report and Recommendation recommending that defendants be held jointly and severally liable for \$1,000 in statutory damages, \$3,000 in enhanced damages, and \$470 in costs, for a total award of \$4,470. No objections to Magistrate Judge Azrack's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, this court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's Report and Recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate

Judge Azrack's Report and Recommendation as to the appropriate amount of damages in this action to be correct, comprehensive, well-reasoned, and free of any clear error. Accordingly, for the reasons stated therein, the Court finds defendants jointly and severally liable for a total judgment sum of \$4,470.

The Clerk is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
August 4, 2009

s/ENV

ERIC N. VITALIANO
United States District Judge